

Go to Previous Minutes and Agendas

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, June 5, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, B. Ryan, G. Zimmer

Members absent: P. Kochchenburger, P. Plante,

Alternates present: C. Kusmer, B. Pociask,

Alternates absent: V. Stearns

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:50 p.m.

Minutes: 5/15/06 Gardner MOVED, Holt seconded, to approve the Minutes, as written; MOTION CARRIED UNANIMOUSLY.

Old Business

Public Hearing: Special Permit Application for proposed efficiency unit and fill activity, property of M & V Oliver, 521 Storrs Road., file #1244

The Public Hearing opened at 7:52p.m. J. Goodwin disqualified herself at this time. Members and alternates present were: Favretti, Hall, Holt, Gardner, Ryan, Zimmer, Kusmer, and Pociask. A 6/2/06 memo from the Director of Planning was noted. Mike Dilaj from Datum Engineering representing the applicant was present. He related that he had reviewed the Director of Planning's report and that a few map revisions were needed. He submitted a map with some of the revisions and noted no objection to incorporating additional revisions to address Padick's report.

Holt expressed concern for the Mansfield Center pathway being left open during construction, and it could be a potential hazard to citizens walking. Dilaj stated that the pathway would be disturbed for approximately 1-2 weeks. It will have temporary gravel placed there until the driveway is completed.

No one in the audience wished to comment.

Holt MOVED, Hall seconded, to close the Public Hearing. The MOTION CARRIED UNANIMOUSLY with the exception of Goodwin had disqualified herself.

Members agreed to consider a motion, which has been drafted based on staff reports.

Hall MOVED, Holt seconded, that the Planning and Zoning Commission approve with conditions the special permit application (file #1244) of M. Oliver for an efficiency apartment and related fill activity on property located west of Storrs Road immediately north of 521 Storrs Road, in an RAR-90 zone, as submitted to the Commission and shown on site plans revised through 5/1/06, and other applicant submissions, and as presented at Public Hearings on 5/15/06 and 6/5/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section M, Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one or two-bedroom efficiency unit in association with an existing single-family home having up to five additional bedrooms. Any increase in the number of bedrooms beyond six bedrooms shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;
2. This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;
3. No zoning permit shall be issued until:
 - A. State Department of Transportation approval has been granted for the new driveway;
 - B. Finalized drainage plans have been approved by the Inland Wetland Agency as per the IWA's 5/1/06 approval;
 - C. A cash site development bond in the amount of \$5,000 with bond agreement approved by the PZC Chairman with staff assistance is posted and accepted. The bond shall remain in place until all driveway and drainage work has been completed and all disturbed areas are revegetated and fully stabilized.
4. Final plans shall incorporate the following revisions:
 - A. Revisions cited in the 5/1/06 IWA approval motion;
 - B. The addition of another driveway pull-off area as agreed to at the 5/15/06 Public Hearing;
 - C. The addition of a paved driveway detail and appropriate notes to address the crossing of the Mansfield Center stone dust walkway;
5. This fill authorization is for a one-year period, and if the fill activity has not been completed by July 1, 2007, a permit renewal shall be required;
6. Filling and truck-hauling activities and all driveway construction work shall occur only between 7:00 am. and 7:00 p.m., Monday through Saturday;
7. This special permit shall not become valid until it is filed upon the Land Records by the applicant.

The MOTION CARRIED UNANIMOUSLY with all in favor except Goodwin had disqualified herself.

Public Hearing: Application to amend the Zoning Regulations, Article X, Section D.5.o, parking requirements for retail and personal service uses, U.S. Properties, File #1245

Public Hearing opened at 8:08p.m. Members and alternates present were: Favretti, Hall, Holt, Gardner, Goodwin, Ryan, Zimmer, Kusmer, and Pociask

Present on behalf of the application is David Mills from U.S. Properties, and Jerry Iazzetta from Towne Engineering. 6/1/06 reports from the Director of Planning and Assistant Town Engineer were noted. A listing of shopping plazas in Mansfield, prepared by the Zoning Agent also was referenced for the record. Mr. Mills related that he had no objections to limiting the applicability of the regulation revision to shopping centers of 50,000 square feet or greater.

No one in the audience wished to comment.

Hall MOVED, Gardner seconded, to close the Public Hearing. MOTION CARRIED UNANIMOUSLY.

Public Hearings:

Application to rezone property on the northerly side of Dog Lane from RAR-90 to Planned Business-2, Mansfield Downtown Partnership/Storrs Center Alliance, LLC. File #1246

b. Application to amend Article VII and VIII of the Zoning Regulations, Mansfield Downtown Partnership/Storrs Center Alliance, LLC, File #1246-2

The Public Hearings on these two applications opened at 8:12p.m. Barry Pociask disqualified himself at this time.

Members and alternates present were: Favretti, Hall, Holt, Gardner, Goodwin, Ryan, Zimmer, and Kusmer. Padick read the legal notice as it appeared in the Willimantic Chronicle on May 24 and May 31, 2006. He noted 6/2/06 and 6/5/06 memorandums from the Director of Planning and a 6/2/06 letter from T. Saria, owner of Tailoring by Tima, which had been copied and distributed to commission members.

Michael Gergler of 19 Deerfield Lane, representing the Mansfield Downtown Partnership Board of Directors, read a letter providing background on the subject applications and efforts that have been made to address relocation opportunities for existing tenants of the Storrs Downtown area. Mr. Gergler submitted a copy of this letter.

Attorney Thomas Cody of Robinson and Cole LLP, representing Storrs Center Alliance submitted a 6/5/06 memorandum with attachments that reportedly addressed neighborhood notification requirements. He explained that the four related applications

that have been presented for Planning and Zoning Commission consideration are a collaborative effort involving the Mansfield Downtown Partnership and its staff, the University of Connecticut, and representatives of Leyland Alliance and their consultants. Attorney Cody related that the proposed re-zoning, regulation revisions, and special permit and subdivision plan are necessary to implement the relocation plan component of the Municipal Development Plan for the Storrs Center Downtown Project. It was agreed that during this Public Hearing, comments would be focused on the proposed re-zoning and regulation revision applications which involve legislative actions. It also was agreed that due to the inter-relationship of all four applications, all testimony at this public hearing would be entered into the record of the Public Hearing on the special permit and subdivision applications.

Attorney Cody, with the use of submitted map AP-1 described the subject 1.16-acre Dog Lane site that would be re-zoned from RAR-90 to PB-2. He described site and neighborhood characteristics, including nearby land uses. He noted that the site would be served by University of Connecticut sewer and water systems and that other necessary utilities were readily available. He noted that the re-zoning to PB-2 has been proposed due to relocation timing issues and the fact that existing regulations with some revisions could be used for this initial building. He emphasized that other buildings and improvements for the Storrs Center Downtown would be the subject of a future Special Design District, re-zoning, and new regulations that are actively being drafted. He summarized that the proposed re-zoning would expand on existing PB-2 Zone; that the proposed users for the subject site would be compatible with neighboring uses, that the proposed re-zoning is consistent with Mansfield's Plan of Conservation and Development and the approved Storrs Center Municipal Development Plan, and that the infrastructure serving this lot is adequate to support the proposed uses.

Attorney Cody proceeded to explain the three proposed revisions to Mansfield's Zoning Regulations. The precise wording of the proposed revisions is contained in application submissions. The revisions would authorize, with size/use restrictions, a repair business for internal combustion engines; mixed commercial/residential uses within a commercial building and a 60 foot height for buildings which is needed to construct a 3-story building. Attorney Cody noted that the height provisions included a location control that would limit the applicability to the subject Dog Lane site.

In response to questions from commission members, the applicant noted that they could add restrictions regarding residential uses above an engine repair business, and that the need for a 60-foot height provision would be reviewed to see if a somewhat lower height is possible. It was noted that the subject site, if re-zoned would be subject to buffer requirements from residential uses and residential zones.

Betsy Paterson, 79 Independence Drive, Mayor and member of the Downtown Partnership Executive Board, provided background information on the Downtown Project and relocation plan components. She expressed support for the subject applications.

Tom Callahan, Special Assistant to President Austin at the University of Connecticut, emphasized the work done to date on this project, funds secured and the University support.

Kristin Schwab, 85 Willowbrook Road, expressed her support of the applications and the public process that has taken place to date. She related that there has been a trust built between the neighbors and the development team. She expressed her pleasure with proposed plans to buffer the abutting neighborhood, and she related that the façade and height of the proposed building will provide a good transition with nearby residential areas.

Irene Schein, owner of Storrs Automotive, Dog Lane, expressed her support for the subject applications and work done to accommodate existing businesses. She noted that parking would be manageable with a mixed-use site as peak parking requirements vary throughout the day.

Mike Taylor, 12 Stonemill Road, expressed his support of the project and the communication of all agencies with the residents, but is concerned that there may not be enough parking spaces for the subject uses. He related parking in this area is affected by proximity of E. O. Smith High School and UConn.

Helen Koehn, 83 Separatist Road, Storrs, expressed concerns about the potential number of tenants serving alcoholic beverages across the street from E.O. Smith High School, and about the potential for inappropriate business names.

Attorney Cody reported that the applicant had reviewed some of the issues raised and that they could add language that would not allow residential space above areas used for the repair of internal combustion engines and that due to the manner in which building heights are measured in Mansfield, they could reduce the proposed maximum height from 60 feet to 58 feet. This would allow some flexibility for how heights are measured for sites that are not totally level.

Hall MOVED, Holt seconded to continue the Public Hearing to the next regularly scheduled meeting on 6-19-06. The MOTION CARRIED UNANIMOUSLY with all in favor except Pociask who disqualified himself.

Public Hearings:

Special Permit application, proposed commercial building and related site work on property on Dog Lane, Storrs Center Alliance, LLC, File #1246-3
Subdivision application, proposed new lot on Dog Lane, Storrs Center Alliance LLC, File #1246-4

Public Hearing opened at 9:18p.m. Barry Pociask disqualified himself at this time. Members and alternates present were: Favretti, Hall, Holt, Gardner, Goodwin, Ryan, Zimmer, and Kusmer.

Padick read the legal notice as it appeared in the Willimantic Chronicle on May 24 and May 31, 2006. He referenced the following communications, which had been copied and distributed to commission members: 5/19/06 letter from Windham Water Works; 5/15/06 memo from R. Miller EHHD; 5/17/06 letter from J. DeWolf, Mansfield Advisory Committee on Persons with Disabilities; 5/13/06 memo from J. Jackman, Mansfield Fire Marshal; 5/11/06 letter from Design Review Panel; 6-2-06 memo from G. Padick, Director of Planning; 6/5/06 memo from G. Meitzler, Assistant Town Engineer; 6/2/06 letter from T. Saria; 6/5/06 response to comments from the applicant.

As previously agreed to, all testimony from the public hearing on related re-zoning and regulation revision applications were entered into the record of this public hearing. Attorney Cody related that as part of the special permit authorization, the applicant is seeking approval for an automotive repair location pursuant to section 14-54 of the State Statutes. Attorney Cody related that the special permit and subdivision applications seek approval for a 16,000 square foot mixed commercial/residential building on a 1.16-acre lot that would be divided from adjacent land of the University of Connecticut. The footprint of the new building would be 6,150 square feet, and the net square footage would be 12,106. Attorney Cody noted there are no inland wetlands or watercourses on this site. He handed in a 6/5/06 memorandum with attachments that addresses neighborhood/abutter notifications for special permit and subdivision regulations.

Geoff Fitzgerald of BL Companies, Project Engineer, explained specific elements of the building plans including access drive, new parking area, sidewalks, drainage, and landscaping. He noted that the existing Bishop Center drive would be shifted about 6-feet to the east and that a total of 47 parking spaces would be provided. He added that easements would be necessary with UConn for the access drive and the drive along the northern property line for access to the waste storage area and proposed automotive repair business. Handicap-accessible parking spaces are provided in the new lot and an additional accessible space could be added in the courtyard area. Mr. Fitzgerald noted that an existing water line in Dog Lane would need to be upgraded to serve the site. He emphasized that the project includes wide sidewalks, a buffer for residential neighbors to the east, and a storm water management system with grass pavers, catch basins with hooded outlets, a crushed stone filter strip, and a bio-filter basin. The plans include an erosion and sedimentation plan. Mr. Fitzgerald related that storm water and traffic impact reports have been submitted, and that no traffic or drainage impacts are expected. He related that the landscaping plans would be revised to modify the landscape buffer to the east to accommodate snow removal and to add shrubs between the new parking lot and Dog Lane.

Macon Toledano, project manager, displayed a rendering of the proposed building and elevation plans. A reduced set of maps was distributed to members. He emphasized that the proposed design was pedestrian orientated and attempted to provide an appropriate transition to the nearby residential area. Mr. Toledano described the proposed building materials and related that the siding would be yellow on upper stories with a tan/brown coloration on the lower level of the Dog Lane portion of the building. In response to

commission inquiries, the applicant agreed to submit final colors of the building materials and noted that the planned driveway access to the garage area would be 16 feet wide for two-way traffic.

In response to questions from commission members, parking and driveway sightline issues were discussed. Mr. Toledano noted that the number of proposed spaces addressed Mansfield's parking regulations including use of a 20% reduction due to the sites location adjacent to the University Campus. The number of spaces proposed takes into account the planned automotive uses. It was noted that parking requirements would be lower if portions of the building are used residentially. It also was noted that it was expected that the peak demands of the various tenants would vary throughout the day.

Mr. Zimmer noted that the current garage use utilizes numerous spaces. He also noted a concern about additional cars needing to cross the "hump" on Dog Lane, immediately east of the Bishop Center drive. Mr. Fitzgerald and Mr. Greenburg, from BL Companies reported that the proposed project is estimated to result in 300 in and out trips per day and that no significant traffic impacts were expected. They reported that there is no significant history of traffic accidents at this location. Mr. Greenburg related that a stop sign could be considered at the hump, but some road reconstruction would be necessary. Mr. Fitzgerald noted that the current hump configuration and the town installed speed bumps east of the hump slow vehicular speeds.

Commissioner Favretti raised concern over the use of grass pavers at the current site and the overall northerly slope of the parking area which could present icing problems. He emphasized that grass pavers have not worked well in areas with frequent freeze/thaw cycles and that grass growth with these pavers has been poor in climate areas such as Storrs. It was indicated that these components of the plan would be reviewed further. The applicant also agreed to review the location of buffer plantings east of the parking area and the need for landscaping north of the proposed building.

Commissioner Hall asked if there had been any tenant commitments for the proposed building. It was noted that many existing tenants of the area had expressed interest, but prior to obtaining Planning and Zoning Commission approval, final commitments could not be made.

Chairman Favretti asked if there were any comments from the audience.

Roger Adams, Wormwood Hill Road, submitted and summarized a letter of support for the project.

Peter Millman, Dog Lane, expressed support for the project and the process that had been followed. He related that the building would improve the aesthetics of the area.

After a brief discussion, members agreed that the public hearing should be continued.

Holt MOVED, Hall seconded to continue the public hearing until June 19, 2006. The MOTION CARRIED UNANIMOUSLY with all in favor except Pociask who disqualified himself.

Other Old Business

1. Subdivision application, proposed new lot on Mount Hope Road, F. Spakoski, applicant, C. Harakaly, owner, File #1247

Padick related that Project Engineer M. Dilaj had left the meeting, but verbally acknowledged that he would need to address staff comments with map revisions, which should be available prior to the next meeting. This item was tabled.

2. Agenda items 2 to 5 and 7 were tabled without discussion.
3. Item 6: Discussion regarding potential revisions to the Zoning and Subdivision Regulations.

Favretti noted that the Regulatory Review Committee was working on potential zoning revisions, and that any feedback on the political sign issue would be appreciated. Members agreed that business owners should not be inappropriately restricted from posting political signs, but there was not clear consensus on how the overall political sign issue should be addressed. Some members noted support for some of the existing provisions, but were uncertain on what legal authority exists for such regulations. It was noted that one option would be to eliminate all existing provisions.

4. Item 8: Zoning Agents Report
 - a. Monthly Activity was noted
 - b. Enforcement update-no new activity
 - c. Other-It was noted that the Nigro case on Fern Road has been dismissed and the Town's position has prevailed.

New Business

Items 1 & 2 were tabled due to the need for staff reports.
Reports of Officers and Committees

- There was no report from the Chairman or Regional Planning Commission Representatives.
- It was noted that the next Regulatory Review Committee meeting has been changed to June 6th at 2:00 p.m.

Communications and Bills

- The agenda items were noted

Noting there was no additional business, Favretti declared the meeting adjourned at 10:50 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary